

## ORDINANCE 23-02

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE LEASE OF A PORTION OF REAL PROPERTY LOCATED AT 2454 SE WESTMORELAND BOULEVARD (THE PORT DISTRICT RIVERFRONT PARK) TO PIII INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; AND AUTHORIZING THE MAYOR, THE CITY MANAGER, OR THEIR DESIGNEES, TO EXECUTE THE LEASE AGREEMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, on March 15, 2004, the City of Port St. Lucie (the “City”) acquired title to the real property located at 2454 SE Westmoreland Blvd, Port St. Lucie, Florida (the “Property”); and

**WHEREAS**, in late 2020, the City engaged Colliers International, a real estate broker, to assist with marketing and recruitment efforts for a riverfront restaurant site in the Port District; and

**WHEREAS**, in July 2021, the City adopted The Port District Master Plan which details the importance of connecting people to the North Fork of the St. Lucie River by way of numerous recreational opportunities including the development of a riverfront park including playground, historic homes, event lawn, boardwalk, and restaurant; and

**WHEREAS**, on January 24, 2022, the Community Redevelopment Agency Board authorized staff to negotiate with PIII Investments, LLC, a Florida limited liability company (the “Lessee”), for the development, construction and operation of a riverfront restaurant and dining village on the Property in the Port District; and

**WHEREAS**, the City and the Lessee negotiated and prepared a Lease Agreement (“Agreement”) wherein the Lessee will lease a portion of the Property from the City for the development, construction and operation of a riverfront restaurant and dining village; and

**WHEREAS**, the City desires to enter into the Agreement in substantially the same form as attached hereto and incorporated herein as Exhibit “A”; and

**WHEREAS**, City Council deems it to be in the best interest of the City to enter into the Agreement with the Lessee for development, construction and operation of a riverfront restaurant and dining village in furtherance of the City’s commitment for culture, nature and fun activities; and

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

ORDINANCE 23-02

Section 2. The Mayor, the City Manager, or their designees, are hereby authorized and directed to execute the Agreement in substantially the same form as attached hereto as Exhibit “A” and to take any and all necessary actions, including preparing and executing instruments, required to effectuate the transfer of possession of the Property to the Lessee.

Section 3. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective immediately after final adoption on second reading.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon M. Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James D. Stokes, City Attorney